MR. P. K. KURIAKKOSE: Sir, I want one matter to be cleared. What about the fate of the admitted questions which have not been answered?

PRESIDENT: They will all come up again later on.

ELECTION TO THE MEDICAL ADVISORY COMMITTEE.

PRESIDENT: The following is the result of the election to the Medical Advisory Committee:—

Mr. Joseph	39 votes
Mr. Madhavan	26 ,,
Mr. Moraes	25 ,,

Messrs. Joseph and Madhavan are declared elected.

Non Official Business.

LEGISLATIVE BUSINESS.

THE TRAVANCORE DISPOSITION OF PROPERTY BILL.

MR. C. S. LEKSHMANA IYER (*Trivandrum City*): Sir, I move that the Travancore Disposition of Property Bill be read in the Assembly.

MR. M. R. RAMAKRISHNA PILLAI (*Chirayinkil cum Nedumangad*): I second it.

MR. C. S. LEKSHMANA IYER: This bill was introduced during the last Assembly Session and it was then referred to a Select Committee. In the Statement of Objects and Reasons it is stated thus:—

> "The object of this Bill is to give effect to the intentions of an acquirer of property to provide for those persons for whom human nature and traditional instincts impel him to do so. The law at present insists that only persons who are in existence on the date of the settlement, or, on the date on which the will takes effect, if the disposition is by will, can be the recipients of the benefit thereunder. This is an unnecessary restraint on the freedom of disposition of property and often comes into conflict with the natural wishes of people. In the experience of all, and particularly, of lawyers and Judges, numerous cases have arisen where provisions for after-born persons have been made by the settlers of property. The law in British India has validated such dispositions by Sections 13 to 15 of the Transfer of Property Act and by the Hindu Disposition of property Act of 1916. The Hindu Transfers and Bequests Act of 1914 of Madras is another instance of such legislation. A Legislation on the lines of this Bill for Travancore has been too long delayed."

MR. M. RAMAKRISHNA PILLAI: May I ask the honourable member what the expression "whenever made" in Clause 2 is intended to mean.

MR. C. S. LEKSHMANA IYER: It is intended that this Act must have retrospective effect in regard to Disposition of Property which are to be given effect to only later. That is what I intended. As it is a change from the law in British India it may be a matter that has to go into a Select Committee.

MR. A. P. UDAYABHANU: I oppose this Bill because this is a piecemeal legislation. My point is that it should be introduced as a whole.

MR. K A. MOHAMMED: I oppose the bill in its present form. This Bill, if, as it stands at present is to become Law it would affect all people who are domiciled in Travancore irrespective of their

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[Mr. K. A. Mohammed]

caste or creed. So far as Muslims are concerned they follow their personal law in the matter of inheritance as in the cases of their marriage and divorce and they do not wish that it should be interfered with a legislation as has been put forward by the Honourable Member, Mr. C. S. Lekshmana Iyer. If his idea is to make some provision for disposition of property for persons who are not yet born it is enough that necessary amendments are made in the Travancore Transfer of Property Act and there is no meaning in this piece meal legislation. Two Acts have been referred to in the statement of objects and reasons. These two legislations are "The Hindu Disposition of Property Act of 1916" and the "Hindu Tranfers and Bequests Act of 1914". Both these Legislations are meant for the Hindus only. Then why the present bill should apply to all who domocile in Travancore. Therefore this question must be carefully considered at the Select Committee stage.

MR. T. K. NARAYANA PILLAI (*Neyyattinkara cum Trivandrum*) : I oppose the introduction of this Bill for the reasons stated by my friend Mr. Udayabhanu. After all there is no Transfer of Property Act now in the State. So far as the law of transfer is concevned, the general principles of law of transfer in Great Britain and the provision of the Transfer of Property Act of British India are usually followed, so that this has often led to conflicting decisions. It is to the advantage of the State that the Law is put on sure footing and therefore it is desirable that the Transfer of Property Act is enacted in the State. When that is done the provisions of the Bill which Mr. C. S. Lekshmana Iyer wants to introduce can easily be incorporated there. The whole matter can be considered together. That being the case I do not think any useful purpose will be served by introducing a Bill like this. I would request Mr. C. S. Lekshmana Iyer to introduce, if possible, a Bill of a larger scope. There is a Law of Mortgages ; there is a Law of Leases and other transfers. In respect of them there is only the customary law as well as the law as laid down by Judicial precedents. As submitted already it is better that a comprehensive Bill is introduced rather than a Bill which has a limited scope as the one which has been introduced by Mr. Lekshmana Iyer. I oppose the introduction of the Bill.

MR. C. S. LEKSHMANA IYER : I would attempt to answer some of the remarks made by the members who opposed the introduction of the Bill. It was first stated that the Bill as it stands may be applicable to Mohammedans and that according to the personal Law of Mohammedans it will be making a very great change in their Law. For this reason in fact, I had already noted the name of Mr. Mohammed as one of the members of the Select Committee, and I am sure it is a matter which can be gone into by the Select Committee.

So far as the objections of my friends Messrs. Udayabhanu and T. K. Narayana Pillai are concerned, I can only say this. So far as the matter sought to be remedied by this piece of legislation is concerned it has been the subject matter of several cases and in 23 T. L.

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J. 1187, we would find that so far as the law as it stands in Travancore today is concerned, it is not possible to effect any disposition of property in favour of an unborn child. Both of my friends referred to the fact that it would be desirable if the whole of the Transfer Property Act was made law here and that a more comprehensive legislation may be attempted at that stage. Well, to my mind, that cannot be an objection to the introduction of a piece of Legislation which is not as comprehensive as perhaps it might be.

PRESIDENT: Order, Order. A few portions of the Transfer of Property Act have been enacted here such as the sale and partition.

MR. C. S. LEKSHMANA IYER: They have been. That is why I say that though comprehensive legislation may be desirable that is no reason why legislation in regard to a particular subject should not be had at the present moment.

I move that the Bill be referred to a select committee.

MR. N. RAMAKRISHNA PILLAI: This may be referred to a joint committee with members from the sister House.

PRESIDENT: An honourable member of the sister Chamber has introduced a similar legislation. If a joint committee of the two Houses were constituted for the purpose of this Bill, it would conduce to convenience. I would therefore ask Mr. C. S. Lekshmana Iyer to consider that.

MR. C. S. LEKSHMANA IYER: I move that a joint committee under Rule 5 (1) be constituted.

The motion was put to vote and carried.

THE TRAVANCORE NAYAR ACT (AMENDMENT) BILL.

MR. PULIYOOR T. P. VELAYUDHAN PILLAI: Sir, the economic consequences of the operation of the law of partition in Nayar Tharwads have for a long time engaged the attention of the community and also of the Government. On account of the sudden and widespread disruption of tharwads and the consequent sub-division of holdings, the need for suitable measures to arrest this increasing process of disintegration has become insistent. This question has been the subject of discussion in several important Nayar Conferences one of which was presided over by our Dewan Sachivottama Sir C. P. Ramaswami Aiyar. In his presidential address he pointed out the serious and irreparable injuries that might result from the rapid and increasing sub-divisions of properties into small and uneconomic holdings and advised the community to resort to early measures to prevent this. He was also kind enough to assure that Government would view any such attempt with sympathy and consideration. When the question of the prevention of fragmentation of holdings came up for discussion before this Assembly on the 31st July 1942 the Dewan-President observed as follows:

> "I shall speak community by community. I shall first take the nayar community. What it has done in Travancore and Cochin is to make itself ineffective as an economic factor in the State. There are many ways of dealing with the legitimate desire of a son or daughter to a share of the father's or mother's estate. It is possible to keep the estate intact and to divide the

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